

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TRAXXAS, L.P.,

Plaintiff,

v.

HOBBICO, INC., *et al.*,

Defendant.

CASE NO. 2:16-cv-00768-JRG-RSP

JURY TRIAL DEMANDED

**DEFENDANT THE FIRELANDS GROUP, LLC'S MOTION TO REVISE MEDIATION
ORDERS AND REFER CASE TO SETTLEMENT CONFERENCE WITH
MAGISTRATE JUDGE**

Defendant The Firelands Group, LLC ("Firelands") respectfully files this motion requesting that the Court (1) vacate its order to mediate this case as contained most recently in the Court's Amended Docket Control Order (Dkt. No. 140) setting a mediation deadline of April 27, 2018, (2) vacate its order appointing Hon. David Folsom as mediator (Dkt. No. 21 in the pre-consolidation Case No. 2:16-CV-736-JRG-RSP) with whom the parties have a current mediation date of April 25, 2018, and (3) refer this case to Magistrate Judge Roy Payne, if he is willing and available, or another Eastern District of Texas Magistrate Judge for a settlement conference.

Firelands has informed its counsel that it is unable to pay its portion of the Hon. David Folsom's mediation fee. Declaration of Michael Gillette, attached as Exhibit 1. Firelands has also been unable to pay its counsel's fees and litigation expenses over a period of at least the past six months. Firelands is, however, engaged in settlement negotiations with Plaintiff in an effort to resolve this case in lieu of mediation or further litigation and is willing to participate in a settlement conference for such purposes.

Wherefore, Firelands respectfully requests that the Court vacate its order to mediate this case and vacate its order appointing Hon. David Folsom as mediator and amend the Court's Amended Docket Control Order (Dkt. No. 140) instead referring the parties to a scheduling conference with Magistrate Judge Roy Payne or another Eastern District of Texas Magistrate Judge.

Respectfully submitted,

/s/ Darby V. Doan
Darby V. Doan
Texas Bar No. 00793622
Joshua R. Thane
Texas Bar No. 24060713
HALTOM & DOAN
6500 Summerhill Rd., Suite 100
Texarkana, Texas 75503
Telephone (903) 255-5100
Facsimile (903) 255-0800
E-Mail: ddoan@haltomdoan.com
E-Mail: jthane@haltomdoan.com

**ATTORNEYS FOR DEFENDANT
THE FIRELANDS GROUP, LLC**

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). All other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by certified mail, return receipt requested, on this the 11th day of April, 2018.

/s/ Darby V. Doan
Darby V. Doan

CERTIFICATE OF CONFERENCE

The undersigned certifies that he has conferred, on this the 11th day of April, 2018, with counsel for Traxxas, L.P. regarding this motion and the relief requested herein. Traxxas is opposed to the relief requested as specifically worded and will promptly file its response to this motion explaining its position.

/s/ Darby V. Doan
Darby V. Doan